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Attorneys for Defendant Daniel N. Gordon, P.C.

UNITED STATES DISTRICT COURT
DISTRICT OF WASHINGTON

GERALD RUSSELL,

Plaintiff, No. CV-12-514-JLQ

vs.

DANIEL N. GORDON, P.C., an Oregon
debt collection law firm, and SECURITY
CREDIT SERVICES, LLC, a Mississippi
Limited Liability Company,

DEFENDANT DANIEL N. GORDON,
P.C.'S NOTICE OF REMOVAL
(SPOKANE COUNTY SUPERIOR
COURT CAUSE NO. 12-02-01695-4)

Defendants.

Defendant Daniel N. Gordon, P.C. ("DNG"), by and through its counsel,
Kevin J. Curtis and Collette Leland of Winston & Cashatt, P.C., hereby files this

DEFENDANT DANIEL N. GORDON
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1 Notice of Removal of the above-described action to the United States District
2 Court for the Eastern District of Washington from the Spokane County Superior
3 Court where the action is now pending pursuant to 28 U.S.C. §§1331, 1441 and
4 1446 and states:
5

6 I.

7 Defendant DNG is a named defendant in the above-entitled action.
8

9 II.

10 A civil action was filed on May 5, 2012, in the Spokane County Superior
11 Court in and for the State of Washington, Cause No. 12-2-01695-4 against
12 Defendants DNG and Security Credit Services, LLC, a Mississippi Limited
13 Liability Company ("Security Credit"), and is now pending in that court. The
14 Summons and Complaint (copies attached as Exhibit Nos. 1 and 2) were served on
15 Defendant Security Credit on February 16, 2012 through its registered agent in the
16 State of Oregon, Corporation Service Company. Defendant DNG waived formal
17 service and accepted service by mail on August 16, 2012.
18
19

20 III.

21 The Spokane County Superior Court suit is a civil action to recover damages
22 in connection with Defendants' attempts to collect upon a debt alleged owing by
23

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1 Plaintiff. Plaintiff has alleged violations of 15 U.S.C. §1692 et seq, the Fair Debt
2 Collection Practices Act (“FDCPA), the Washington Consumer Protection Act
3 (“WPCA”), and Washington common law.
4

5 IV.

6 This action is a civil proceeding of which this court has original jurisdiction
7 pursuant to 15 U.S.C. §1692(k)(d) and 28 U.S.C. § 1331, and Defendant DNG is
8 now entitled to remove the action to this federal court pursuant to 28 U.S.C.
9 §§1441 and 1446, in that:
10

- 11 1. Plaintiff has asserted a claim under 15 U.S.C. §1692 et seq, thus
12 rendering removal proper under 28 U.S.C. §§1441(c)(1)(A) and 1331;
13
- 14 2. Plaintiff has asserted claims under Washington law in the action
15 related to her claims under 15 U.S.C. §1692 et seq that form part of
16 the same case or controversy under Article III. Therefore,
17 supplemental jurisdiction and removal of those claims is proper under
18 28 U.S.C. §§1367 and 1441(c)(B);
19
- 20 3. In a case with multiple defendants, each defendant has its own 30-day
21 period. 28 U.S.C. §1446(b)(2)(C); Destino v. Reiswig, 630 F.3d 952,
22 956 (9th Cir. 2011) (adopting the later-served rule);
23

- 1 4. Defendant DNG waived formal service and accepted service by mail
- 2 on August 16, 2012;
- 3 5. This action was removed within 30 days of waiver of formal service
- 4 and acceptance of service by mail by the later-served defendant,
- 5 Defendant DNG; and
- 6 6. This action was originally brought in Spokane County Superior Court
- 7 which is within the district of this federal court.
- 8
- 9

10 V.

11 The following documents constitute all of the documents, process, and

12 pleadings which were served upon the Defendant DNG in this action:

- 13 a. Summons, attached hereto as Exhibit 1;
- 14 b. Complaint, attached hereto as Exhibit 2;
- 15 c. Acceptance of Service for Daniel N. Gordon, P.C., attached
- 16 hereto as Exhibit 3;
- 17 d. Notice of Appearance, Daniel N. Gordon for Security Credit
- 18 Services, attached hereto as Exhibit 4;
- 19 e. Motions for Partial Summary Judgment and Motions to
- 20 Dismiss, attached hereto as Exhibit 5;
- 21
- 22

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1 f. Affidavit of Daniel N. Gordon in Support of Security Credit's
2 Motions for Summary Judgment, attached hereto as Exhibit 6;

3 g. Notice of Appearance, Kevin J., Curtis for Daniel N. Gordon,
4 P.C., attached hereto as Exhibit 7;

5 h. Notice of Absence and Unavailability, attached hereto as
6 Exhibit 8;

7 i. Notice of Association of Counsel, attached hereto as Exhibit 9;

8 j. Motion on Shortened Time; attached hereto as Exhibit 10;

9 k. Note for Hearing on Motion to Shorten Time, attached hereto as
10 Exhibit 11;

11 l. Note for Hearing on Plaintiff's Cross Motion for Summary
12 Judgment Against Security Credit Services, attached hereto as Exhibit 12;

13 m. Plaintiff's Opposition to Security Credit Services, LLC's
14 Motion for Partial Summary Judgment and Motion to Dismiss and Plaintiff's
15 Cross-Motion for Summary Judgment Against Security Credit Services,
16 LLC, attached hereto as Exhibit 13;

1 n. Note for Hearing on Plaintiff's Cross Motion for Summary
2 Judgment Against Security Credit Services, LLC, attached hereto as Exhibit
3 14;
4

5 o. Note for Hearing on Plaintiff's Cross Motion for Summary
6 Judgment Against Security Credit Services, LLC, attached hereto as Exhibit
7 15; and
8

9 p. Security Financial's Rebuttal to Plaintiff's Memorandum of
10 Law and Reply to Plaintiff's Motion for Summary Judgment, attached hereto
11 as Exhibit 16.
12

13 VI.
14

15 I have communicated with Daniel N. Gordon, counsel for Defendant
16 Security Credit, who has stated that Security Credit will be filing a Notice of
17 Consent to Removal.
18

19 VII.
20

21 Defendant will give written notice of the filing of this notice as required by
22 28 U.S.C. §1446(d).
23

24 A copy of this Notice will be filed with the Clerk of the Spokane County
Superior Court as required by 28 U.S.C. §1446(d).

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1 WHEREFORE, Defendant DNG prays that this court accept this Notice of
2 Removal and that the above-entitled action now pending in the Superior Court of
3 Washington, County of Spokane, Cause No. 12-2-01695-4, be removed from the
4 Spokane County Superior Court to the United States District Court for the Eastern
5 District of Washington.
6

7 DATED this 21 day of August, 2012.
8

9 s/Kevin J. Curtis, WSBA No. 12085
10 Collette C. Leland, WSBA No. 40686
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12 Professional Service Corporation
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21
22
23
24

1 I hereby certify that on August 21, 2012, I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF System which will send notification
3 of such filing to the following:

4 SaraEllen Hutchison
5 Law Office of SaraEllenHutchison, PLLC
6 saraellen@saraellenhutchison.com

7 Robert Mitchell
8 bobmitchellaw@yahoo.com
9 Attorneys for Plaintiff

10 Daniel N. Gordon
11 Daniel N. Gordon, P.C.
12 dgordon@dgordonpc.com
13 Attorney for Defendant Security Financial
14 Credit Services, LLC

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